BEVERIDGE & DIAMOND PC

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Via Email & U.S. Mail

Thanne Cox, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Re: Yosemite Slough Superfund Site, San Francisco, California

Dear Thanne:

On behalf of the Yosemite Slough PRP Group (the "Group"), I write to follow-up regarding the Preliminary Site Boundary Map for the Yosemite Sough Superfund Site (the "Site") that EPA presented at the Technical Stakeholder Committee ("TSC") Meeting #2 on January 25, 2012, and at the parallel Legal Meeting on January 30, 2012.[1]

As we discussed during the January 30 meeting, the Group has several concerns about EPA's Preliminary Site Boundary Map. Most importantly, there is no apparent scientific basis for extending the boundary far out into South Basin. Indeed, as EPA acknowledged at the meeting, the proposed boundary is not based on an analysis of Aroclor data, the congener profile of the PCBs, nor the hydrodynamics and bathymetry of South Basin and Yosemite Slough — which is not surprising because no such data exists. In the absence of a sound technical basis on which to make such a decision, EPA's identification of a preliminary Site boundary is premature. Moreover, the credibility of any Engineering Evaluation/Cost Analysis ("EE/CA") based upon such a boundary would be in question.

EPA presented a similar "estimated" site boundary at the first TSC meeting on November 30, 2011. The rationale offered for it at that time was that the Aroclor profile of the PCBs in the southern portion of South Basin is more like that of the PCBs in Yosemite Slough, *i.e.*, primarily Aroclor 1254, than that of the PCBs in the northern portion of South Basin offshore of Hunters Point Parcel E2, which are primarily Aroclor 1260. At that meeting several stakeholders pointed out that the Aroclor profile of the southern portion of the Basin is actually a mix of Aroclors

[1] A copy of the Preliminary Site Boundary Map is attached to this letter.

1254 and 1260. EPA conceded this, and as a result, one of TSC Meeting #1's action items was for EPA to obtain sampling data collected by the Navy in Hunters Point Parcel F (*i.e.*, South Basin) and to evaluate the mix of Aroclors in the southern portion of the Basin.[2] As EPA confirmed at the January 30 meeting, EPA has not received all of this data from the Navy and thus has not performed this critical Aroclor evaluation.

Just as importantly, as was pointed out in the January 5, 2012, letter to EPA from Gregory Douglas of NewFields, there are significant questions about the accuracy of the Aroclor data reported in the May 2011 Yosemite Creek Sediment Removal Assessment Report (the "May 2011 Report"). For example, as EPA acknowledged at the January 30 meeting, and contrary to the findings in the May 2011 Report, it is likely that the Aroclors in Yosemite Slough are not primarily 1254. This makes it clear that at present there is no basis in the Aroclor data for EPA's Preliminary Site Boundary Map.

At the January 30 meeting, EPA indicated that it may instead analyze the PCB congener data for the Yosemite Slough and South Basin for the purpose of establishing the Site boundary. However, the existing congener data only allows for estimating total PCBs, which does not in itself provide a sound technical basis for establishing the Site boundary. To be useful for Site boundary purposes, the data would need to be supplemented with an analysis of the full congener profiles for the PCBs in the Slough and throughout South Basin. This would provide more accurate and complete data for an analysis of potential sources of PCBs, as patterns of particular groupings of specific congeners may be present such that Site boundaries could be drawn around different groupings of congeners in the Basin. Since this evaluation has not yet been performed, the existing congener data alone does not support EPA's Preliminary Site Boundary Map.

Finally, understanding the hydrodynamics and bathymetry of Yosemite Slough and South Basin will be critical to establishing the boundaries of the Yosemite Slough Site and Parcel F of the Hunters Point Site, regardless of the chemical profiles of the PCBs. This is critical not only to understand where the PCBs and other contaminants at the sites came from (*i.e.*, the sources), and where they are likely to go (*i.e.*, the risk of recontamination). At present, no geotechnical data exists regarding the bottoms of the Slough or the Basin, much less data regarding the currents, tides, wind patterns, rates and patterns of deposition and scouring, rates and patterns of resuspension, etc. As EPA acknowledged during the January 30 meeting, these dynamics can be remarkably complex in coastal areas. A sufficient understanding of the hydrodynamics and the bathymetry of the Slough and the Basin can only be accomplished by analyzing adequate data with the assistance of sophisticated models (that are available). However, no such data are available, and no such modeling has been performed. Without this information, a technical basis cannot be established for the Preliminary Site Boundary Map.

[2] EPA's commitment to obtain the Navy sampling data in order to perform this analysis of the Aroclors was confirmed in your letter to me dated December 14, 2011.

As we discussed at the January 30 meeting, one illustration of this point is that any discharges to the Slough from the City's CSOs only occurred during storm events when winds and currents in the Slough and Basin would have been at their highest. In short, it is essential to understand the hydrodynamics and bathymetry of the area prior to any consideration of the Site boundary. Without further information, it is speculative to assume that PCBs in Yosemite Slough are a source of PCBs in any particular part of South Basin — or vice versa. A sufficiently robust understanding of the hydrodynamics and bathymetry of the Slough and the Basin is critical to identifying the sources of PCBs in particular portions of the Slough and the Basin. It also is necessary to avoid any recontamination from those sources after a cleanup.

In the discussion of Site Boundary Issues in your December 14 letter, you stated that "EPA is evaluating hydrodynamic data regarding Yosemite Slough and South Basin." At the January 30 meeting, however, we were told that EPA had not done so as yet, but would consider performing a hydrodynamic study. It is critical that such a study be performed before EPA determines the appropriate location of the boundary for the Yosemite Slough Site.

As discussed above, EPA's Preliminary Site Boundary Map is premature and unfounded. The Group respectfully requests that EPA reconsider the proposed Site boundary and defer future proposals until a sound technical basis for defining the boundary has been properly developed and evaluated by the TSC. Absent that, an EE/CA predicated upon the Preliminary Site Boundary Map would lack adequate foundation.

Sincerely,

Nicholas W. van Aelstyn

Enclosure

cc: Elaine O'Neil, Esq. (w/ encl.) (*via email*)
John S. Roddy. (w/ encl.) (*via email*)
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